



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, ) Mag. Case No.: 08MJ8176  
)  
Plaintiff, )  
)  
v. )  
Javier LEON-Serrato (1), )  
)  
Defendant. )  
\_\_\_\_\_

**FINDINGS OF FACT AND ORDER  
REGARDING WAIVER OF  
DETENTION PENDING TRIAL**

In accordance with the Bail Reform Act of 1984, 18 U.S.C. § 3142(f), a detention hearing was scheduled for February 28, 2008, to determine whether Javier LEON-Serrato should be held in custody without bail pending trial and, if convicted, sentencing in the above-captioned matter. Assistant United States Attorney John F. Weis appeared on behalf of the United States. Court-appointed attorney John David Kirby appeared on behalf of the Defendant.

On February 28, 2008, the Defendant knowingly and voluntarily waived his right, on the record and through counsel, to the setting of bail and a detention hearing. Based on that waiver, the Court orders that Defendant be detained pending trial and, if convicted, sentencing in these matters, without prejudice or waiver of the Defendant's right to later apply for bail and conditions of release, and without prejudice of a waiver of the right of the United States to seek detention in the event of an application by Defendant for such relief.

## ORDER

IT IS HEREBY ORDERED that the Defendant be detained pending trial and, if convicted, sentencing in these matters.

IT IS FURTHER ORDERED that Defendant be committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practical, from persons awaiting or serving sentence or being held in custody pending appeal. The Defendant shall be afforded a reasonable opportunity for private consultation with counsel.

While in custody, upon order of a court of the United States or upon the request of an attorney for the United States, the person in charge of the correctional facility shall deliver the Defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding or any other appearance stipulated to by defense and government counsel.

This order is made without prejudice to modification by this Court and without prejudice to the Defendant's exercise of his right to bail and a detention hearing at a future date.

IT IS SO ORDERED.

DATED: 3-11-08

  
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PETER S. LEWIS  
UNITED STATES MAGISTRATE JUDGE

Prepared by:

KAREN P. HEWITT  
United States Attorney

John F. Weis'  
JOHN F. WEIS  
Assistant U. S. Attorney

cc: John David Kirby  
Counsel for Defendant